



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab District
San Juan Resource Area
P.O. Box 7
Monticello, Utah 84535

SJ-93-01
U-069

RECEIVED

APR 14 1993

DIVISION OF
OIL GAS & MINING

Mr. Lee Sutherland
Western Industrial Minerals
P.O. Box 218
Monticello, Utah 84535

Dear Mr. Sutherland:

Your Notice of Intent to conduct mining operations on the Moon #4 mining claim was received in this office on March 31, 1993 and has been assigned serial number SJ-93-01. Please refer to this number in all future correspondence.

Your Notice has been found to contain the required information outlined in 43 CFR 3809 and the necessary resource clearances have been done (i.e. archaeology, T&E etc.). One archaeological site (42SA21588) located in and adjacent to the existing access road is eligible for the National Register of Historic Places. Mitigation of the site is necessary in order to avoid loss of important scientific data. To accomplish this, a data recovery plan must be developed in consultation with your contract archaeologist, BLM, SHPO, and the Advisory Council on Historic Preservation. We suggest that you contact MK-Ferguson Company, Project Manager for The Department of Energy's (DOE) UMTRA project, and see if cooperative arrangements could be made to mitigate the site, including cost sharing.

This letter acknowledges receipt and acceptance of the subject mining notice. Acceptance of this Notice of Intent will not now, or in the future serve as a determination of the validity of any mining claim to which it may relate. Additionally, as a matter of procedure, we are required to give notice that the type of material (Limestone) that you have located under the subject mining claim may not be locatable under the authority of the 1872 mining law. Common varieties of certain types of material, including stone, are not locatable but are salable under the authority of the 1947 Materials Act. These materials are locatable only when they have a unique property giving the deposit special and distinct commercial value; otherwise, they can simply be sold by the federal government at fair market value. Limestone can be located if the deposit is industrial or metallurgical grade (ie. meeting industrial or metallurgical standards).

In order to determine if the material comes under the authority of the 1872 Mining Law or the 1947 Materials Act, the Bureau of Land Management would conduct an examination of the subject mining claim and prepare a formal mineral report. You would be responsible to the United States for the value of the limestone segregated if it is determined by the Department of the Interior to be a "common variety," and therefore, not locatable under the Mining Law.

Pending a final determination, your operation must remain in compliance with federal regulations at 43 CFR 3809.

I would like to stress that the Surface Management Regulations require that you perform reclamation and take reasonable measures to prevent unnecessary or undue degradation of the Federal lands during your operations. In addition to your proposed mitigation, the following measures are recommended in order to meet this requirement.

1. Ramps or other suitable crossings should be designed to protect the BLM water pipeline from damage by haul vehicles.
2. Until consultation is complete and the data recovery plan is developed, your contract Archaeologist should flag an access corridor through Archaeological site 42SA21588 which restricts travel to the existing road. The area should be flagged before operations begin. Care should be taken to ensure that no vehicles stray from the established road in this area.

In accordance with regulations at 43 CFR Section 3809.1-3(5) you must notify this office when work is complete so a final inspection of reclamation can be made. We will assist you in developing appropriate reclamation techniques, if requested. If your operations extend for more than a year, please advise us of the status of your mining activities on the anniversary of your notice.

If you have any questions, please contact Ted McDougall at (801) 587-2141. Thank you for your willingness to cooperate on this project.

Sincerely,

Area Manager